

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 23, 2008

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Patrick. Total –1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Nancy Smith, Page.

### Approval of Journal

January 23, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

January 23, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **H 379, H 380, H 381, H 382, H 383, H 384, and H 385**.

CLARK, Chairman

**H 379 and H 380** were referred to the Business Committee.

**H 381, H 382, and H 383** were referred to the Judiciary, Rules, and Administration Committee.

**H 384 and H 385** were referred to the Education Committee.

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 355** and recommend that it do pass.

WOOD, Chairman

**H 355** was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 386 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRANSFER AND APPROPRIATION OF MONEYS IN THE LIQUOR ACCOUNT AND TO MAKE A TECHNICAL CORRECTION.

#### HOUSE BILL NO. 387 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602B, IDAHO CODE, TO CLARIFY THAT PROPERTY OF A RELIGIOUS LIMITED LIABILITY COMPANY IS EXEMPT FROM TAXATION; AMENDING SECTION 63-602C, IDAHO CODE, TO CLARIFY THAT PROPERTY OF A FRATERNAL, BENEVOLENT OR CHARITABLE LIMITED LIABILITY COMPANY IS EXEMPT FROM TAXATION; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

#### HOUSE BILL NO. 388 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO LICENSING OF NURSES; AMENDING SECTION 54-1401, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION; AND AMENDING SECTION 54-1413, IDAHO CODE, TO REVISE AND ADD TO GROUNDS FOR DISCIPLINE AND TO MAKE TECHNICAL CORRECTIONS.

#### HOUSE BILL NO. 389 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO CONTROLLED SUBSTANCES PRESCRIPTIONS DATABASE; AMENDING SECTION 37-2726, IDAHO CODE, TO PROVIDE CRIMINAL PENALTIES WHICH ARE IN ADDITION TO ANY OTHER CIVIL OR ADMINISTRATIVE PENALTY OR SANCTION AUTHORIZED BY LAW, FOR KNOWINGLY OBTAINING, ATTEMPTING TO OBTAIN OR REDISCLOSING INFORMATION OBTAINED FROM THE CONTROLLED SUBSTANCE DATABASE.

**HOUSE BILL NO. 390**  
**BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE THE DEFINITION OF "PRACTITIONER" AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 391**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO DOGS; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2809, IDAHO CODE, TO PROVIDE THAT THE BREEDING, RAISING, BOARDING, PRODUCING OR MARKETING OF DOGS OF THE HERDING, WORKING AND SPORTING BREEDS BY THE PRODUCER SHALL BE DEEMED AN AGRICULTURAL PURSUIT AND SUCH ANIMALS SHALL BE DEEMED LIVESTOCK; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 392**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO NURSERY LICENSES; AMENDING SECTION 22-2305, IDAHO CODE, TO INCREASE CERTAIN LICENSE FEES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 393**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO COMMERCIAL FERTILIZERS; AMENDING SECTION 22-603, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 22-605, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REGISTRATION OF CERTAIN FERTILIZER PRODUCTS AND TO PROVIDE FOR THE REGISTRATION OF STORAGE FACILITIES BY FERTILIZER DISTRIBUTORS; AMENDING SECTION 22-607, IDAHO CODE, TO REVISE REQUIRED FERTILIZER LABEL INFORMATION, TO REVISE REQUIREMENTS RELATING TO RECORDS REGARDING CUSTOMER-FORMULA FERTILIZERS AND TO REVISE INFORMATION REQUIREMENTS FOR CUSTOMER-FORMULA FERTILIZERS; AMENDING SECTION 22-608, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INSPECTION FEES; AMENDING SECTION 22-609, IDAHO CODE, TO PROVIDE FOR TONNAGE REPORTS BY TONNAGE-ONLY DISTRIBUTORS; AMENDING SECTION 22-610, IDAHO CODE, TO PROVIDE THAT THE IDAHO DEPARTMENT OF AGRICULTURE MAY UPON PROPER IDENTIFICATION ENTER PREMISES OF DISTRIBUTORS, INCLUDING VEHICLES OF TRANSPORT, IN ORDER TO HAVE ACCESS TO FERTILIZERS FOR SAMPLING, AND EXAMINATION AND COPYING OF CERTAIN RECORDS; AND AMENDING SECTION 22-620, IDAHO CODE, TO DELETE A REFERENCE TO FERTILIZER BRANDS.

**HOUSE BILL NO. 394**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO SOIL AND PLANT AMENDMENTS; AMENDING SECTION 22-2208, IDAHO CODE, TO INCREASE THE MINIMUM TONNAGE FEE FOR SOIL AND PLANT AMENDMENTS.

**HOUSE BILL NO. 395**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205A, IDAHO CODE, TO PROVIDE FOR RELOCATION OF PUBLIC CHARTER SCHOOL FACILITIES TO ANOTHER SCHOOL DISTRICT IF THE APPROVED PRIMARY ATTENDANCE AREA OF THE PUBLIC CHARTER SCHOOL IS LOCATED WITHIN MORE THAN ONE SCHOOL DISTRICT AND TO MAKE TECHNICAL CHANGES.

**HOUSE BILL NO. 396**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO SCHOOL CHILDREN; AMENDING CHAPTER 48, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4805, IDAHO CODE, TO REQUIRE THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY, INCLUDING PUBLIC CHARTER SCHOOLS, TO PROVIDE EYE AND VISION SCREENING OF CHILDREN IN CERTAIN GRADES, TO PROVIDE FOR NOTIFICATION OF THE PARENT OR GUARDIAN OF CHILDREN WHO FAIL SUCH SCREENING AND TO PROVIDE THAT SUCH PARENT OR GUARDIAN BE ENCOURAGED TO OBTAIN AN ADDITIONAL EXAMINATION.

**HOUSE BILL NO. 397**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5209, IDAHO CODE, TO REVISE THE GROUNDS REQUIRING WRITTEN NOTICE FROM THE AUTHORIZED CHARTERING ENTITY TO THE PUBLIC CHARTER SCHOOL.

**HOUSE BILL NO. 398**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO VOCATIONAL REHABILITATION; AMENDING SECTION 33-2308, IDAHO CODE, TO PROVIDE FOR THE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION TO ASSIST PERSONS SUFFERING FROM CHRONIC RENAL DISEASE TO OBTAIN OTHER SERVICES, INCLUDING FINANCIAL ASSISTANCE, FOR SPECIFIED EXPENSES AND TO PROVIDE FOR RULEMAKING AUTHORITY.

**HOUSE BILL NO. 399**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO COMMUNITY COLLEGE TUITION;

AMENDING SECTION 33-2110, IDAHO CODE, TO REVISE THE MAXIMUM TUITION FULL-TIME STUDENTS OF A COMMUNITY COLLEGE ARE REQUIRED TO PAY AND TO REMOVE A PROVISION REGARDING THE TUITION TO BE PAID BY ALL OTHER STUDENTS TAKING SUCH COURSES.

**HOUSE BILL NO. 400**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO THE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO INCREASE THE MONEYS TO BE TRANSFERRED ANNUALLY FROM THE LIQUOR ACCOUNT TO THE COMMUNITY COLLEGE ACCOUNT AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 401**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE A PRESUMPTION FOR BEING IN IDAHO PRIMARILY FOR EDUCATIONAL PURPOSES AND TO PROVIDE THAT A CERTAIN PERIOD OF ENROLLMENT DOES NOT COUNT TOWARD THE ESTABLISHMENT OF BONA FIDE DOMICILE IN IDAHO UNLESS THE STUDENT PROVES CERTAIN SPECIFIED FACTORS.

**H 386, H 387, H 388, H 389, H 390, H 391, H 392, H 393, H 394, H 395, H 396, H 397, H 398, H 399, H 400, and H 401** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

**Third Reading of Bills and Joint Resolutions**

**H 373** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **H 373** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Patrick. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 373** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 374** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 374** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Patrick. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 374** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 340** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall **H 340** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Patrick. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 340** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 341** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

The question being, "Shall **H 341** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Patrick. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 341** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 342** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. LeFavour to open debate.

The question being, "Shall **H 342** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Bowers, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedom, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Thomas, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused--Patrick. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 342** passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 11:30 a.m., Thursday, January 24, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:55 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk